

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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Southern District of New York
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June 13, 2022

BY ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: United States v. Haji Najibullah,
(S2) 14 Cr. 401 (KPF)

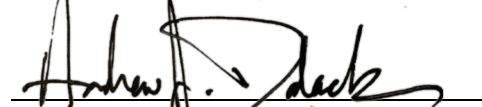
Dear Judge Failla,

I write with respect to the letter motion currently pending at docket number 57, requesting that the Court suspend the Rule 12 motion schedule pending its resolution of discovery-related issues, which the defense will address through a motion to compel. As directed by the Court, I propose (on behalf of the parties) the following briefing schedule:

- Defense motion to compel due by Tuesday, June 21, 2022, mindful of the filing rules set forth in the protective order governing the use of classified information in filings;
- Government response due by August 17, 2022; and
- Defense reply due by August 31, 2022.

The defense is generally available throughout September 2022 for any evidentiary hearing or oral argument that the Court may order in connection with the motion to compel.

Respectfully Submitted,



Andrew J. Dalack, Esq.
Mark B. Gombiner, Esq.
Samuel I. Jacobson, Esq.
Ariel C. Werner, Esq.

Cc: Government Counsel

Counsel for Haji Najibullah

Application GRANTED. The Court adopts the parties' proposed briefing schedule. The parties are further ORDERED to appear for a hearing regarding the motion on **September 22, 2022, at 3:30 p.m.** in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York.

The Clerk of Court is directed to terminate the pending motions at docket numbers 57 and 58.

Dated: June 14, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE